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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/823,787 | 03/30/2001 | Maureen McMahon | ROXIP204 | 7422 |
| 25920 | 7590 | 03/15/2005 | EXAMINER | |
| MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085 | | | SELLERS, DANIEL R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2644 | |

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,787

Applicant(s)

MCMAHON ET AL.

Examiner

Daniel R. Sellers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/26/01, 11/04/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-3, 5-12, and 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin, U.S. Patent 6,731,312 and the article "Oscar Mp3 Player (2) Part 2 (final): operation and measurement results" by Kurpiers et al. (Kurpiers).

3. Regarding claim 1, see Robbin

*A method for recording MP3 files to optical media, comprising:
browsing MP3 files at a source location; (Col. 2, lines 44-50 and Fig. 1, item 24)
selecting MP3 files to record to a destination optical media; (Col. 3, lines 54-59)
constructing a playlist of the selected MP3 files to be executed from the destination optical media; and
recording the selected MP3 files and the playlist to the destination optical media.*

Robbin teaches a media player interface, wherein a user can browse media files and select a playlist of files to be recorded to a compact disc (CD). He does not specifically state that the playlist is recorded along with the mpeg-1 layer 3 (mp3) files on the CD.

Kurpiers teaches a stand-alone mp3 player for the playback of mp3 files from a CD.

Kurpiers does not teach a method of recording files, however Kurpiers teaches the use of playlists found on CD's with mp3 files (page 42, section titled "Playlists and Programmes"). It would have been obvious for one of ordinary skill in the art to combine the teachings of Robbin and Kurpiers for the purpose of keeping track of the large amount of media files that can be contained on the CD.

4. Regarding claim 2, the further limitation of claim 1, see the preceding argument with respect to claim 1. Robbins teaches the recording of mp3 files to a CD from a media recording application.

5. Regarding claim 3, the further limitation of claim 2, see the preceding argument with respect to claim 2. Robbins teaches an mp3 recording program, wherein it is inherent that the recording application configures the media for a data session.

6. Regarding claim 5, the further limitation of claim 2, see the preceding argument with respect to claim 1. Robbin teaches a graphical user interface (GUI) with the features of browsing and selecting.

7. Regarding claim 6, the further limitation of claim 5, see Robbins column 3, lines 40-53. Robbins teaches of selecting a playlist, wherein only the files referenced in the playlist are shown.

8. Regarding claim 7, the further limitation of claim 1, Robbins teaches of a drag and drop method of editing a playlist (Col. 3, lines 34-40).

9. Regarding claim 8, the further limitation of claim 7, see the preceding argument with respect to claim 7. The drag and drop method is achieved through a GUI.

10. Regarding claim 9, the further limitation of claim 7, see the Kurpiers section titled Playlists and Programmes on page 42. Kurpiers teaches that a preferred sector for the playlist is the lowest directory level, which is the directory wherein the mp3 files referenced in the playlist are contained. This structure is maintained when copied from the CD, and therefore the mapping is retained.

11. Regarding claim 10, see the preceding argument with respect to claim 1.

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Computer readable media having program instructions for recording data to optical media, the computer readable media comprising:

program instructions for receiving a project selection;

program instructions for configuring and formatting a recording session in accordance with the received project selection;

program instructions for parsing source files and filtering out those files not in a target format of the received project selection;

program instructions for receiving a selection of source files to be recorded to the optical media;

program instructions for constructing a playlist of the source files to be executed from the destination optical media; and

program instructions for recording the selection of source files and the playlist to the optical media.

The combination of Robbin and Kurpiers teaches these features. It is inherent that the combination can parse and filter files according to a target format. This has been a feature of various operating systems, from commercial variants of UNIX to commercial variants of DOS among many others, wherein this program would be expected to run.

12. Regarding claim 11, the further limitation of claim 10, the combination of Robbin and Kurpiers teaches an mp3 project feature.

13. Regarding claim 12, the further limitation of claim 10, it is inherent that the combination of Robbin and Kurpiers contains this feature.

14. Regarding claim 14, the further limitation of claim 10, see the preceding argument with respect to claim 9. The combination of Robbin and Kurpiers teaches this feature.

15. Regarding claim 15, see the preceding argument with respect to claim 1.

An optical media recording program configured to record data to optical media, comprising instructions for:

searching for music data files from at least one source, the searching being configured to only display the music data files at the exclusion of non-music data files;

enabling the selection of particular ones of the music data files;

building a data structure including the selected music data files, the data structure further including a playlist data structure defining an order for playing the selected music files; and

recording the selected music data files including the playlist data structure to an optical disc from the at least one source;

whereby the selected music data files are configured to be accessed for playing from the optical disc in the order defined by the playlist data structure.

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The combination of Robbin and Kurpiers teaches these features.

16. Regarding claim 16, the further limitation of claim 15, the combination of Robbin and Kurpiers teach the format of mp3's.

17. Regarding claim 17, the further limitation of claim 15, see the preceding argument with respect to claim 9. The combination of Robbin and Kurpiers teaches this feature.

18. Regarding claim 18, the further limitation of claim 16, the combination of Robbin and Kurpiers teach a GUI, wherein music files can be browsed (Fig. 12 and column 4, lines 10-20). It is inherent that the source location is known in this system.

19. Regarding claim 19, the further limitation of claim 16, the combination of Robbin and Kurpiers teaches a GUI with this feature (Fig. 1).

20. Regarding claim 20, the further limitation of claim 15, it is inherent that memory is used to store the selected ones.

21. Regarding claim 21, see the preceding argument with respect to claim 10. The combination teaches this.

22. Regarding claim 22, the further limitation of claim 21, see the preceding argument with respect to claim 11. The combination teaches that the projection selection is an mp3 project.

23. Regarding claim 23, the further limitation of claim 21, the combination teaches a GUI for selecting.

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24. Regarding claim 24, the further limitation of claim 21, see the preceding argument with respect to claim 9. This feature is taught by the combination of Robbin and Kurpiers.

25. Regarding claim 25, the further limitation of claim 24, the combination of Robbin and Kurpiers teaches an editable playlist.

26. Regarding claim 26, the further limitation of claim 25, it is inherent that a computer can perform this function. It is well known in the art that instructions exist for concatenating, or appending, a file with ancillary data. Utilities for UNIX, such as the command 'cat', or the operator '>>' in a UNIX shell, are well known.

27. Claim 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin and Kurpiers as applied to claim 3 above, and further in view of the DARTECH, Inc.'s DART CD-Recorder Version 4.1 brochure (Dartech).

28. Regarding claim 4, the further limitation of claim 3, Robbins teaches a CD recording program, which inherently uses the ISO-9660 format or variation thereon to record data. However, Robbins does not teach a specific format, such as Joliet or Rock Ridge. Dartech teaches a software package to record data to CD's using the Joliet ISO-9660 extension. It would have been obvious for one of ordinary skill in the art to combine the teachings of Dartech with the combination of Robbin and Kurpiers for the purpose of using long filenames.

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29. Regarding claim 13, the further limitation of claim 12, see the preceding argument with respect to claim 4. The combination of Robbin, Kurpiers, and Dartech teach this feature.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 703-605-4300. The examiner can normally be reached on Monday to Friday between 9am and 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


SINH TRAN
SUPERVISORY PATENT EXAMINER